IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

LA.App..No. 491 of 2005()

LAR.240/1998 of PRL.SUB COURT, KOZHIKODE
.....

APPELLANT: RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

RESPONDENTS: CLAIMANT:

KIZHAKKEKANDIYIL MEENAKSHY AMMA,
P.O. VENGERI, KOZHIKODE.

BY

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. 491 of 2005 & C.M.Appl.688/2005

Dated: November 21, 2007

JUDGMENT

Kurian Joseph, J.

C.M.Appl.688/2005 is for condonation of delay of 671 days in filing the appeal. It is seen that the judgment of the Sub Court, Kozhikode in LAR 240/1998 was pronounced on 29.7.2002. The certified copy was received on 20.2.2003. It is also seen that the file was forwarded to the Advocate General's office on 9.6.2003. However, the appeal is filed only on 15.3.2005. There is no satisfactory explanation for the delay except a vague statement that the Government Pleader had resigned. When was the resignation, who was the Government Pleader and who received the files are not available. Even now the service is not complete also. Since all the connected matters have been disposed of, we do not think that this appeal should be kept pending. Without expressing any opinion on the merits of the case, since there are no satisfactory reasons for the condonation of the delay, the application is dismissed. Consequently the appeal also is dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE.

mt/-